

MAY 09 2017

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK
BY: *H. McDaniel*
DEPUTY CLERK

HERBERT BEDWELL,
Petitioner,

Civil Action No. 7:17-cv-00021

MEMORANDUM OPINION

v.

By: Hon. Jackson L. Kiser
Senior United States District Judge

COMMONWEALTH OF VIRGINIA,
Respondent.

Herbert Bedwell, a Virginia inmate proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By the Order entered on March 29, 2017, the court, inter alia, informed Petitioner that he is required to pay the \$5.00 filing fee or apply to proceed in forma pauperis and granted him ten days to resolve the outstanding filing fee. The Order advised Petitioner that his failure to respond would result in dismissal of the petition without prejudice.

Petitioner has not communicated with the court since the Order entered on March 29, 2017. Because the time allowed to comply has expired and Petitioner has not complied, this action is dismissed without prejudice. Based upon my finding that Petitioner has not made the requisite substantial showing of a denial of a constitutional right as required by 28 U.S.C. § 2253(c) and Slack v. McDaniel, 529 U.S. 473, 484 (2000), a certificate of appealability is denied.

ENTER: This 9th day of May, 2017.

Jackson L. Kiser
Senior United States District Judge